

**TOWN OF BEAUX ARTS VILLAGE
ORDINANCE NO. 377**

**AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE
ESTABLISHING THE BUILDING CODE; REGULATING THE ERECTION,
CONSTRUCTION, ENLARGEMENT, ALTERATION, MOVEMENT,
REPLACEMENT, REPAIR, EQUIPMENT, USE AND OCCUPANCY,
LOCATION, MAINTENANCE, REMOVAL AND DEMOLITION OF EVERY
BUILDING OR STRUCTURE OR ANY APPURTENANCES CONNECTED OR
ATTACHED TO SUCH BUILDINGS OR STRUCTURES AND MECHANICAL
EQUIPMENT IN THE TOWN AND REPEALING
ORDINANCE NOS. 187, 265, 301, AND 351.**

WHEREAS, RCW 19.27.031 requires the state building code to be in effect in all counties and cities; and

WHEREAS, the Town of Beaux Arts Village recognizes that RCW 19.27.060 allows governing bodies of counties and cities to amend the codes enumerated in RCW 19.27.031 as amended and adopted by the state building code council as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code; and

WHEREAS, the Town of Beaux Arts Village intends to provide one comprehensive document to adopt current building codes regulated by the Town into a single ordinance and remove outdated Town regulations that conflict with current state-mandated codes; and

WHEREAS, the Town of Beaux Arts Village intends to modify some sections of the administrative portions of the building codes; and

WHEREAS, the Town of Beaux Arts Village intends to repeal Ordinance 187 since the state-mandated code address requirements for public safety dealing with swimming pools and spas; and

WHEREAS, the Town of Beaux Arts Village intends to repeal Ordinance 301, which adopts the Bellevue Fire Department Development Standards and in its place adopt the International Fire Code as adopted by the City of Bellevue; and

WHEREAS, the Town of Beaux Arts Village intends to repeal Ordinance 351, which adopts the 2006 Editions of the building codes; **NOW THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON, AS FOLLOWS:

SECTION 1. Title, Definitions, Applicability of Permits, and Permit Requirements.

- a. **Title.** This ordinance shall be known as the Building Code Ordinance of the Town of Beaux Arts Village, Washington.

b. **Definitions.**

Council: the Town Council of the Town of Beaux Arts Village, Washington.

Town: the Town of Beaux Arts Village, Washington.

Town Building Code: shall include all codes adopted in this ordinance in SECTION 4.

c. **Applicability of Permits.**

1. **Building Permit.** Any person, firm, corporation, owner, or authorized agent intending to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, the installation of which is regulated by the codes adopted and amended by the Building Code Ordinance, or to cause any such work to be done, shall first make application to the building official and obtain the required building permit.
2. **Demolition Permit.** Any person, firm, corporation, owner, or authorized agent intending to demolish a structure or portion thereof, of which is regulated by the codes adopted and amended by the Building Code Ordinance, or to cause any such work to be done, shall first make application to the building official and obtain the required demolition permit. Where only a portion of a structure is being demolished and it is intended to be included with construction applicable with a building permit, the building official shall determine if a separate demolition permit is required.
3. **Grading Permit.** Any person, firm, corporation, owner, or authorized agent intending to grade, excavate, or conduct earthwork construction including fills and embankments, of which is regulated by the codes adopted and amended by the Building Code Ordinance, or to cause any such work to be done, shall first make application to the building official and obtain the required grading permit. Site work related to a building permit shall be included in the scope of the building permit unless specifically excluded by the building official.
4. **Mechanical Permit.** Any person, firm, corporation, owner, or authorized agent intending to erect, install, enlarge, alter, repair, remove, convert or replace any gas or mechanical system, the installation of which is regulated by the codes adopted and amended by the Building Code Ordinance, or to cause any such work to be done, shall first make application to the building official and obtain the required mechanical permit.
5. **Plumbing Permit.** Any person, firm, corporation, owner, or authorized agent intending to erect, install, repair, relocate, replace, add to use, or maintain a plumbing system, of which is regulated by the State Building Code, or to cause any

such work to be done, shall first obtain a plumbing permit from the King County Department of Health. The building official is authorized to require that a plumbing permit be obtained and/or finalized prior to finalizing any related building permit.

6. **Electrical Permit.** Any person, firm, corporation, owner, or authorized agent intending to install, repair, relocate, replace, or convert any electrical wiring or system, or cause any such work to be done, shall first obtain an electrical permit from the Washington State Department of Labor and Industries. The building official is authorized to require that an electrical permit be obtained and/or finalized prior to finalizing any related building permit.
7. **Street Opening Permit.** Any person, firm, corporation, owner, or authorized agent intending to disturb the paved portion of any street in the Town or the unpaved portion of any Town right-of-way in order to install alter, repair, replace, remodel, or convert any underground utility or to perform other work, or causing the same to be done, shall first obtain a street-opening permit from the Town Clerk.
8. **Tree Permit.** Any person, firm, corporation, owner, or authorized agent intending to remove a tree, or causing the same to be done, of which is regulated by the Tree Code shall first obtain a tree permit from the Town Clerk. Any person, firm, corporation, owner, or authorized agent intending to impact a protected tree by site development or construction activities, or causing the same to be done, of which is regulated by the Tree Code shall first contact the building official to determine if a tree permit is required.
9. **Other Permits.** Any person, firm, corporation, owner, or authorized agent intending to construct a project requiring prior approval or a permit not specifically listed in this ordinance shall obtain prior approval or a permit from the appropriate regulatory agency.

d. **Permit Requirements.**

1. The building official is authorized to require that a permit required by other agencies is obtained and/or finalized prior to finalizing a building permit.
2. Any conditions, stipulations, inspections, or other requirements of the Fire Marshal shall become part of the approved building-permit documents.

SECTION 2. Fees

- a. **Permit Fee.** A permit fee shall be assessed for each separate permit as set by resolution of the Council and shall be paid at the time the permit is issued. No work requiring a permit shall begin until the permit fee is paid and the permit is issued. If work requiring a permit is started prior to obtaining the permit, the permit fees shall be doubled. The payment of such doubled fee shall not relieve the applicant from complying with the Town Building Code, the Town Zoning Code, or other Town ordinances.

- b. **Plan Review Fee.** A plan review fee shall be assessed for each separate permit whenever plans or other data are required to be submitted for review prior to the issuance of a permit. Plan review fees shall be set by resolution of the Council and shall be paid at the time of permit application.
- c. **Stormwater Review Fee.** Fees for reviews and inspections related to stormwater requirements shall be paid by the applicant.
- d. **Investigation Fee.** The building official is authorized to assess a special investigation fee for the evaluation of violations or stop work orders. The fees shall be paid by the property owner.
- e. **Penalties and Other Fees.** The building official is authorized to establish penalty fees for unlawful continuance of work that violates a stop work order or notice, or for not making required modification so directed in a notice. Violations of the provisions of the building codes shall be a civil infraction and any person found guilty thereof shall be subject to a civil penalty in an amount not to exceed \$500.00. It shall be a separate infraction for each and every day or portion thereof during which any violation of any provision of the building code is committed, continued, or allowed to continue.
- f. **Fire Marshal Review Fee.** Fees for reviews and inspections performed by the Fire Marshal or his authorized representative shall be as set by the Fire Marshal and shall be paid by the applicant.

SECTION 3. Fee Refunds

- a. The Town Clerk-Treasurer shall authorize the refunding of any fee under this ordinance that was erroneously paid or collected.
- b. The building official may authorize the refunding of a portion of the plan review fee when a permit application for which the fee has been paid is withdrawn or canceled and no review commenced. Such refund shall not exceed the difference between the cost to the Town of processing said application and the fee paid; in any event, the refund returned shall not exceed 80 percent of the plan review fee.
- c. The Town Clerk-Treasurer may authorize the refunding of a part of the permit fee paid when no work has been done under a permit issued in accordance with this ordinance. Such refund shall not exceed the difference between the cost to the Town of processing said application and the fee paid.
- d. Any applicant desiring the refund of any fee paid under this ordinance shall apply for such refund in writing to the Town Clerk-Treasurer no later than 180 days after the date of the fee payment.

SECTION 4. Building Code Adoption and Amendments

- a. **Adoption of the International Building Code.** The International Code (IBC), 2009 Edition, including Appendix E – Supplementary Accessibility Requirements, as published by the International Code Council and adopted by the State of Washington pursuant to Chapter 51-50 WAC, is adopted by reference, subject to the amendments set forth in this chapter. The 2009 International Existing Building Code is included in the adoption of this code in IBC Section 3401.5 and amended in 51-50-480000 WAC. The provisions of the International Existing Building Code may be applied to the repair, alteration, change of occupancy, and relocation of existing buildings. Appendix J – Grading is included in the adoption of the International Building Code.

1. **IBC 105.2 Work exempt from permit is amended to add the following under Building, as Item 14:**

14. Interior and exterior alterations and repairs that are nonstructural and for which the fair market value of the work performed does not exceed fifteen hundred dollars (\$1,500.00) in a twelve-month period.

2. **IBC 105.5.1 is added:**

105.5.1 Time limitation. All excavation or exterior construction shall be completed within one year after the date of issuance of the building permit. The building official may grant an extension of this period when the owner demonstrates justifiable cause.

3. **IBC 105.5.2 is added:**

105.5.2 Exterior work. In the event that the timely completion of excavation or exterior construction does not meet the limitation in Section 105.5.1, the building official may notify the Town Council to arrange for completion of the exterior work so that it shall conform to the plans and specifications upon which the building permit was issued. If construction or excavation has proceeded only to the point where removal or restoration of the partially completed structure or excavation is more economical than completion, the Town Council may elect to accomplish the former. The reasonable cost of any such completion or removal and restoration shall constitute a lien in favor of the Town upon all of the real property involved.

4. **IBC 105.5.3 is added:**

105.5.3 Town requirements. Prior to taking action as authorized in Sections 105.5.1 or 105.5.2, the Town shall:

- (a) Direct such completion or removal and restoration by written order;
- (b) Provide the owner of the Town's intention to implement IBC 105.5.2 at least thirty (30) days prior to commencing any work; and
- (c) Provide the owner an opportunity to appeal the Town's decision to the Council prior to the expiration of the notice period.

5. **IBC J103.2 Exemptions is amended to add the following exemption from grading permit requirements:**

8. In any 12 consecutive months, movement of less than 50 cubic yards of earth materials which is less than 2 feet in depth.
- b. **Adoption of International Residential Code.** The International Residential Code (IRC), 2009 Edition, as published by the International Code Council, as adopted by the State of Washington pursuant to Chapter 51-51 WAC, is adopted by reference with the following additions, deletions and exceptions: Provided that Chapters 11 and 25 through 43 of this code are not adopted. The Energy Code is regulated by Chapter 51-11 WAC. The standards for liquefied petroleum gas installations shall be NFPA 58 (Liquefied Petroleum Gas Code) and NFPA 54 (National Fuel Gas Code). Provided that all other fuel gas installations shall be regulated by the International Mechanical Code and International Fuel Gas Code. Appendix G – Swimming Pools, Spas and Hot Tubs, and Appendix R – Dwelling Unit Fire Sprinkler Systems are included in adoption of the International Residential Code.
 1. **IRC R105.2 Work exempt from permit is amended to add the following under Building, as Item 11:**
 11. Interior and exterior alterations and repairs that are nonstructural and for which the fair market value of the work performed does not exceed fifteen hundred dollars (\$1,500.00) in a twelve-month period.
 2. **IRC R105.5.1 is added:**

R105.5.1 Time limitation. All excavation or exterior construction shall be completed within one year after the date of issuance of the building permit. The building official may grant an extension of this period when the owner demonstrates justifiable cause.
 3. **IRC R105.5.2 is added:**

R105.5.2 Exterior work. In the event that the timely completion of excavation or exterior construction does not meet the limitation in Section R105.5.1, the building official may notify the Town Council to arrange for completion of the exterior work so that it shall conform to the plans and specifications upon which the building permit was issued. If construction or excavation has proceeded only to the point where removal or restoration of the partially completed structure or excavation is more economical than completion, the Town Council may elect to accomplish the former. The reasonable cost of any such completion or removal and restoration shall constitute a lien in favor of the Town upon all of the real property involved.
 4. **IRC R105.5.3 is added:**

R105.5.3 Town requirements. Prior to taking action as authorized in Sections R105.5.1 or R105.5.2, the Town shall:

 - (a) Direct such completion or removal and restoration by written order;
 - (b) Provide the owner of the Town's intention to implement IRC R105.5.2 at least thirty (30) days prior to commencing any work; and

- (c) Provide the owner an opportunity to appeal the Town's decision to the Council prior to the expiration of the notice period.

5. IRC Table 301.2(1) is amended to read as follows:

Roof and Ground Snow Load: 25 psf
Wind Speed: 85 mph
Wind Topographic Effects: No; wind exposure category and wind speed up effect shall be determined on a site-specific basis by the registered design professional in responsible charge
Seismic Design Category: D2
Weathering: Moderate; weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code
Frost Line Depth: 18"
Damage from Termites: Slight to Moderate
Winter Design Temperature: 22°F
Ice Barrier Underlayment Required: No
Flood Hazards: NA
Air Freezing Index: 170
Mean Annual Temperature: 51°F

- c. **Adoption of the International Mechanical Code.** The International Mechanical Code (IMC), 2009 Edition, published by the International Code Council and adopted by the State of Washington pursuant to Chapter 51-52 WAC, is adopted by reference with the following additions, deletions, and exceptions: Provided that the installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code. Provided that detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code. Provided that the standards for liquefied petroleum gas installations shall be per the 2008 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2009 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).
- d. **Adoption of the Liquefied Petroleum Gas Code.** The 2008 Edition of the Liquefied Petroleum Gas Code (NFPA 58), as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA is adopted by reference.
- e. **Adoption of the National Fuel Gas Code.** The 2009 Edition of the National Fuel Gas Code (ANSI Z223.1/NFPA 54), as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA is adopted by reference.
- f. **Adoption of the International Fuel Gas Code.** The International Fuel Gas Code (IFGC), 2009 Edition, published by the International Code Council as adopted by the State of Washington pursuant to Chapter 51-52 WAC, is adopted by reference.

- g. **Adoption of the International Fire Code.** The International Fire Code (IFC), 2009 Edition, including Appendix B – Fire-Flow Requirements for Buildings and C – Fire Hydrant Locations and Distribution, as published by the International Code Council, as adopted by the State of Washington pursuant to Chapters 51-54 WAC and as amended by the City of Bellevue, Washington in Ordinance No. 5952, is adopted by reference, subject to the amendments set forth in this chapter.
- h. **Adoption of the International Property Maintenance Code.** The International Property Maintenance Code (IPMC), 2009 Edition, as published by the International Code Council, is adopted by reference.
- i. **Adoption of the Washington State Energy Code.** The Washington State Energy Code (Chapter 51-11 WAC), 2009 Edition, as published in the Washington State Administrative Code, as adopted by the Washington State Building Code Council pursuant to Chapter 19.27A.020 RCW, is adopted by reference.

SECTION 5. Conflicts. In the event of a conflict between the building codes adopted by this ordinance and other provisions of this ordinance, the Building Code Ordinance shall take precedence. Nothing contained in any provision of this ordinance shall be construed to permit any use, occupancy, or construction that is not in conformance with the Town Zoning Ordinance.

SECTION 6. Copies to be Available. At least one copy of the codes, regulations, and standards adopted by reference in this ordinance, in the form in which they were adopted, shall be filed in the office of the Town Clerk and shall be available for use and examination by the public.

SECTION 7. Limitation. The restrictions, limitations and requirements provided for in this ordinance are in addition to, and not in limitation of, any restrictions, limitations or requirements derived from any contract, deed or covenant pre-existing this ordinance.

SECTION 8. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 9. Repealer. The following ordinances are hereby repealed:

- a. Ordinance No. 187, adopted by the Council on June 14, 1983.
- b. Ordinance No. 265, adopted by the Council on March 18, 1997.
- c. Ordinance No. 301, adopted by the Council on June 13, 2000.
- d. Ordinance No. 351, adopted by the Council on July 10, 2007.

SECTION 10. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage and publication.

PASSED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE and signed in authentication of its passage on the 14th day of September, 2010.

Richard Leider, Mayor

ATTEST:

APPROVED AS TO FORM:

Sue Ann Spens, Clerk-Treasurer

Wayne Stewart, Town Attorney

I certify that copies of the above ordinance were posted as required by law in the Town of Beaux Arts Village, Washington, on the _____ day of _____, 2010.

Sue Ann Spens, Clerk-Treasurer